

FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 16, 1995

SUBJECT: **SB 1749 - HB 1764**

This bill, if enacted, will remove the requirements of *premeditated*, *deliberate*, and *reckless* from the definition of first degree murder and redefines such as the intentional killing of another or the killing of another committed in the perpetration of other specified offenses. The bill requires no culpable mental state for conviction except for the intent to commit the other specific offenses. The penalty for first degree murder remains the same as current law: death, life in prison without parole or life in prison (25 years).

The bill removes *reckless* from the definition of second degree murder. the penalty for second degree murder is unchanged.

The bill redefines vehicular homicide as a proximate result of the driver being under the influence of an intoxicant. Current law defining vehicular homicide references a specific blood alcohol level. The penalty for vehicular homicide is increased from a Class C felony to a Class B felony.

The fiscal impact from enactment of this bill is estimated to be an increase in state expenditures of \$4,063,660 for incarceration.* This

estimate is based upon increases in convictions for first degree murder receiving a life sentence (25 years) that had previously been convicted for second degree murder (8.6 years) and voluntary manslaughter (3 years) and the elevation of vehicular homicide from a Class C felony to a Class B felony. Details of the inmate population growth and costs are shown below. Year 1 represents the first year affected by the change in sentences.

Year 1	24 Inmates	\$392,637
Year 2	39 Inmates	\$630,372
Year 3	46 Inmates	\$743,687
Year 4	53 Inmates	\$857,003
Year 5	60 Inmates	\$970,318
Year 6	67 Inmates	\$1,083,633
Year 7	74 Inmates	\$1,196,948
Year 8	105 Inmates	\$1,700,229
Year 9	178 Inmates	\$2,881,944
Year 10	251 Inmates	\$4,063,660

Enactment of this bill is also estimated to result in an increase in recurring state expenditures of \$1,215,094 and one-time state expenditures of \$148,500 for the judicial branch from the increased number of trials conducted versus resolution through plea bargaining and from the increased number of death penalty cases that will be appealed. Details are as follows:

OFFICE OF COURT ADMINISTRATION

3 Criminal Court Judges

Salary (\$93,250 ea.)	\$ 279,750
Benefits (\$16,785 ea.)	50,355
Travel (\$2,400 ea.)	7,200
Rent (\$7,200 ea.)	21,600
Utilities (\$1,000 ea.)	3,000
Communications (\$1,800 ea.)	5,400

Travel (\$500 ea.)	1,000
Communications (\$1,000 ea.)	2,000
Supplies (\$500 ea.)	1,000
Rent (\$2,000 ea.)	4,000
Furniture & Equip. (\$4,000 ea.)	8,000 one-time
1 Secretary	
Salary	22,500
Benefits	4,725
Communications	500
Supplies	300
Furniture & Equip.	4,000 one-time
Total Public Defenders	\$123,025
Judicial Grand Total	\$1,363,594

Further, it is estimated that the additional trials and appeals will result in an increase in state expenditures to the Indigent Defense Fund. The amount of such increase cannot reasonably be determined but is estimated to exceed \$100,000.

In summary:

Cost of Incarceration	\$4,063,660
Cost of Judicial Process:	
Recurring	\$1,215,094
One-Time	\$148,500
Indigent Defense Fund	Exceeds \$100,000

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

**Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*